

In the United States District Court
for the Eastern District of Texas
Lufkin Division

Rodney Mahan, John Henley, III,
Joel Barton, Jr., John Riggins,
and Justin Sikes
Plaintiffs

v.

The Texas Department of Public Safety,
Steven McCraw, and Steven Mach
Defendants.

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§
§
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§
§
§
§

Civil Action No. 9:20-cv-00119

Jury

Exhibit to Defendants' Motion for Summary Judgment with Brief in Support

EXHIBIT D

Deposition of John Riggins

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

RODNEY MAHAN; JOHN HENLEY,)	
III; JOEL BARTON, JR.;)	
JOHN RIGGINS; and JUSTIN)	
SIKES,)	CIVIL NO. 9:20-cv-00119
)	
Plaintiffs,)	
)	
v.)	
)	
THE TEXAS DEPARTMENT OF)	
PUBLIC SAFETY, STEVEN)	
McCRAW, AND STEVEN MACH,)	
)	
Defendants.)	

REMOTE ORAL DEPOSITION OF

JOHN RIGGINS

Wednesday, March 31, 2021

REMOTE ORAL AND VIDEOTAPED DEPOSITION OF JOHN RIGGINS, produced as a witness at the instance of the Defendants, The Texas Department of Public Safety, Steven McCraw, and Steven Mach, and duly sworn, was taken in the above-styled and numbered cause on March 31, 2021, from 10:48 a.m. to 11:22 a.m., before Sharon Ross, Certified Shorthand Reporter, reported remotely by computerized stenotype machine, pursuant to the Notice and/or any provisions stated on the record or attached hereto.

Reported by:
SHARON ROSS, Texas CSR #1961,
Hawaii CSR #432, RMR, CRR, CRC
Realtime Systems Administrator

1 open. So, I'm assuming I'm a Nacogdoches Commercial
2 Vehicle Enforcement guy now.

3 **Q. Right. And where were you before?**

4 A. Texas Highway Patrol Nacogdoches.

5 **Q. All right. So have you ever been transferred**
6 **out of Nacogdoches?**

7 A. As in -- when you mean transferred --

8 **Q. To a different duty station.**

9 A. During my time here in Nacogdoches back in May
10 2019, I got transferred over to Crockett and Trinity to
11 cover those counties.

12 **Q. Okay. Was that a permit transfer?**

13 A. Supposed to have been a temporary. And I
14 stayed over there for a year from May to May and was
15 brought back over here in May, and that's when they give
16 me the position of Commercial Vehicle Enforcement.

17 **Q. When you were transferred over to the Crockett**
18 **office, did you have to move personally?**

19 A. I did not.

20 **Q. All right. And as I understand it, that when**
21 **you're assigned to a duty station, you have to be within**
22 **30 miles, as the crow flies, from that duty station.**
23 **That's where you have to live; is that correct?**

24 A. Yes, sir.

25 **Q. But DPS didn't require you to move when they**

1 transferred you temporarily over to Crockett, did they?

2 A. No, sir. And it was 75 miles from my house to
3 Crockett --

4 Q. Okay.

5 A. -- and --

6 Q. Now, that being said, you -- as a trooper, you
7 keep your vehicle at your residence, correct?

8 A. Yes, sir.

9 Q. And in order to drive your vehicle, you have to
10 have your uniform on, correct?

11 A. Yes, sir.

12 Q. And so when you get in your vehicle with your
13 uniform on, you're on duty at that point, correct?

14 A. Yes, sir.

15 Q. You don't have to drive to your duty station
16 and clock in before you're on duty, correct?

17 A. No, sir.

18 Q. During your time with DPS, were you ever
19 term -- have you ever been terminated?

20 A. No, sir.

21 Q. Have you ever been suspended?

22 A. No, sir.

23 Q. Have you ever been demoted?

24 A. No, sir.

25 Q. Your compensation ever been lowered?

1 A. No, sir.

2 Q. Other than this temporary transfer over to
3 Crockett, have you ever been transferred otherwise?

4 A. No, sir.

5 Q. I -- how long have you been with DPS? I think
6 you may have told me earlier, but I've forgotten.

7 A. With DPS?

8 Q. Yes.

9 A. I started the DPS academy in February of 2004.

10 Q. So, if my math is right, 17 years, right?

11 A. Yes, sir.

12 Q. Okay. That's why I became a lawyer. I can't
13 do math. So you have to give me some credit.

14 Okay. Have you fully vested for your
15 retirement at this point?

16 A. Not yet.

17 Q. How long -- you have a few more years. Is
18 that -- 20 years?

19 A. Yes, sir.

20 Q. Okay. All right. So you're getting close?

21 A. Yes, sir.

22 Q. Okay. During the time that you -- during the
23 time you've been with DPS, I assume you've had some
24 performance evaluations, correct?

25 A. Yes, sir.

1 Q. And that would include the time when Sergeant
2 Shugart was your sergeant?

3 A. Yes, sir.

4 Q. Okay. Did your performance evaluations
5 drastically change from the time prior to Sergeant
6 Shugart doing them to when Sergeant Shugart was doing
7 them?

8 A. A little bit.

9 Q. A little bit. Okay.

10 A. Uh-huh.

11 Q. But nothing severe?

12 A. No, sir.

13 Q. Now, during the time you've been with DPS, have
14 you ever requested a chain-of-command review based upon
15 personnel action taken against you?

16 A. Do what now?

17 Q. During the time that you have been with DPS,
18 have you ever requested a chain-of-command review for
19 any personnel action taken against you?

20 A. During DPS action taken against me?

21 Q. Okay. Have you ever requested a
22 chain-of-command review while you were with DPS?

23 A. Depends on how you say that.

24 Q. Have you ever formally requested -- pursuant to
25 the policy found in General Order 7A of conflict